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सं. 22]	नई दिल्ली, अक्टूबर 23—अक्टूबर 29, 2022, शनिवार/ कार्तिक 1—कार्तिक 7, 1944
No. 22]	NEW DELHI, OCTOBER 23—OCTOBER 29, 2022, SATURDAY/KARTIKA 1—KARTIKA 7, 1944

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्यक्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किए गए साधारण आदेश और अधिसूचनाएं
Orders and Notifications issued by the Central Authorities (Other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 21 अक्टूबर, 2022

आ.अ. 248.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग वर्ष 2019 की निर्वाचन याचिका संख्या 13 में माननीय उच्च न्यायालय, इलाहाबाद के दिनांक 9 सितम्बर, 2022 के निर्णय को एतद्वारा प्रकाशित करता है।

[फा. सं. 82/उ.प्र.-लो.स./13/2019(इला.)]

आदेश से,

अमित कुमार, सचिव

ELECTION COMMISSION OF INDIA**ORDER**

New Delhi, the 21st October, 2022

O.N. 248.— In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the Judgement dated 9th September, 2022 of the High Court of Judicature at Allahabad in Election Petition No. 13 of 2019.

[F. No. 82/UP-HP/13/2019(Allid.)]

By Order,

AMIT KUMAR, Secy.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**ELECTION PETITION No. 13 OF 2019**

(Under Sections 80, 80-A/81 of the Representation of People Act, 1951)

DISTRICT : BADAUN

Shri Dinesh Kumar S/o Bhukan Singh,
R/o A-26, Awas Vikas Colony,
District Badaun.

... ELECTION PETITIONER

Versus

Dr. Sanghmitra Maurya D/o Shri Swami Prasad Maurya,
R/o 6/237, E-Vipul Khand, Gomti Nagar,
District Lucknow-226010.

... RESPONDENT

Court No. - 3

Case :- **ELECTION PETITION No. - 13 of 2019**

Petitioner :- Shri Dinesh Kumar

Respondent :- Sanghmitra Maurya

Counsel for Petitioner :- Saurabh Yadav, Dinesh Kumar (In Person)

Counsel for Respondent :- Udayan Nandan, Chandan Sharma, Vinod Kumar Kushwaha

Hon'ble Surva Prakash Kesarwani, J.

Heard Sri Saurabh Yadav, learned counsel for the Election Petitioner and Sri Udayan Nandan, learned counsel for the respondent.

Election petitioner has filed a Withdrawal Application No.26 of 2022, praying that the Election Petition may be dismissed as withdrawn.

On the aforesaid withdrawal application this Court passed the following order on 20.05.2022:-

"Heard Sri Shivam Yadav alongwith Sri Saurabh Yadav, learned counsel for the Election Petitioner and Sri Udayan Nandan, learned counsel for the respondent - winning candidate. The Election Petitioner has filed a Civil Misc. Withdrawal Application No.26 of 2022 dated 11.05.2022. In paragraphs 2, 3 and 4 of the withdrawal Application the Election Petitioner has stated as under :-

“2. That the above noted petition has been filed by the petitioner challenging the Election of the respondent on various grounds mentioned in the petition itself, however, the petition is pending since year 2019 and with the change of political circumstances and scenario, the petitioner do not wish to pursue the present petition

any further, the aforesaid decision has been taken by the petitioner without any pressure or coercion upon him and it is out of free will the present affidavit is being filed before this Hon'ble Court.

3. *That it is for this reason the petitioner want to withdraw the election petition, the present election petition therefore be allowed to be withdrawn and the same may be dismissed as withdrawn so that justice be made.*

4. *That it is therefore most respectfully prayed that this Hon'ble Court may be pleased to dismiss the aforesaid Election Petition No.13 of 2019, as withdrawn without prejudice to the rights of respondents in the interest of justice, otherwise, the applicant shall suffer irreparable loss and injury."*

Section 109 of the Representation of the People Act, 1951 provides as under :- "109 Withdrawal of election petitions -

(1) *An election petition may be withdrawn only by leave of the High Court.*

(2) *Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette."*

Issue notice fixing 15.07.2022 for hearing on the withdrawal application, which may also be published in the official gazette.

Steps be taken by the Election Petitioner within a week."

In compliance to the aforesaid order, notices were issued and publication has also been made in the Government Gazette Uttar Pradesh on 04.06.2022. Copy of the Gazette has been filed by the Election - Petitioner alongwith compliance affidavit dated 26.07.2022 being paper No. A - 49.

None has filed any application to oppose the aforesaid withdrawal application.

In view of the aforesaid, the Election Petition is **dismissed as withdrawn**.

Withdrawal Application No.26 of 2022 is disposed of.

Order Date :- 9.9.2022/vkg

Sd/-

(SURYA PRAKASH KESARWANI, J.)

आदेश

नई दिल्ली, 21 अक्टूबर, 2022

आ.अ. 249.— लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग वर्ष 2019 की निर्वाचन याचिका संख्या 14 में माननीय उच्च न्यायालय, इलाहाबाद के दिनांक 9 सितम्बर, 2022 के निर्णय को एतद्वारा प्रकाशित करता है।

[फा. सं. 82/उ.प्र.-लो.स./14/2019(इला.)]

आदेश से,

अमित कुमार, सचिव

ORDER

New Delhi, the 21st October, 2022

O.N. 249.— In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the Judgement dated 9th September, 2022 of the High Court of Judicature at Allahabad in Election Petition No. 14 of 2019.

[F. No. 82/UP-HP/14/2019(Alld.)]

By Order

AMIT KUMAR, Secy.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**ELECTION PETITION No. 14 OF 2019**

(Under Sections 80, 80-A/81 of the Representation of People Act, 1951)

DISTRICT : BADAUN

Shri Dharmendra Yadav S/o Shri Abhay Ram,
R/o Village and Post Saifai,
District Etawah.

... ELECTION PETITIONER

Versus

Dr. Sanghmitra Maurya D/o Shri Swami Prasad Maurya,
R/o 6/237, E-Vipul Khand, Gomti Nagar,
District Lucknow-226010.

... RESPONDENT

Court No. - 3Case :- **ELECTION PETITION No. - 14 of 2019****Petitioner :-** Dharmendera Yadav**Respondent :-** Sanghmitra Maurya**Counsel for Petitioner :-** Shivam Yadav, Dharmendra Yadav (In Person), Narendra Kumar Pandey**Counsel for Respondent :-** Udayan Nandan, Chandan Sharma, Vinod Kumar Kushwaha**Hon'ble Surya Prakash Kesarwani, J.**

Heard Sri Shivam Yadav learned counsel for the Election Petitioner and Sri Udayan Nandan, learned counsel for the respondent.

Election petitioner has filed a withdrawal application No.25 of 2022, praying that the Election Petition may be dismissed as withdrawn.

On the aforesaid withdrawal application this Court passed the following order on 20.05.2022:-

‘Heard Sri Shivam Yadav alongwith Sri Saurabh Yadav, learned counsel for the Election Petitioner and Sri Udayan Nandan, learned counsel for the respondent - winning candidate. The Election Petitioner has filed a Civil Misc. Withdrawal Application No.25 of 2022 dated 11.05.2022. In paragraphs 2, 3 and 4 of the withdrawal Application the Election Petitioner has stated as under :-

"2. That the above noted petition has been filed by the petitioner challenging the Election of the respondent on various grounds mentioned in the petition itself, however, the petition is pending since year 2019 and with the change of political circumstances and scenario, the petitioner do not wish to pursue the present petition any further, the aforesaid decision has been taken by the petitioner without any pressure or coercion upon him and it is out of free will the present affidavit is being filed before this Hon'ble Court.

3. That it is for this reason the petitioner want to withdraw the election petition, the present election petition therefore be allowed to be withdrawn and the same may be dismissed as withdrawn so that justice be made.

4. That it is therefore most respectfully prayed that this Hon'ble Court may be pleased to dismiss the aforesaid Election Petition No.14 of 2019, as withdrawn without prejudice to the rights of respondents in the interest of justice, otherwise, the applicant shall suffer irreparable loss and injury."

Section 109 of the Representation of the People Act, 1951 provides as under :- "109 Withdrawal of election petitions -

(1) An election petition may be withdrawn only by leave of the High Court.

(2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall

be published in the Official Gazette."

Issue notice fixing 15.07.2022 for hearing on the withdrawal application, which may also be published in the official gazette.

Steps be taken by the Election Petitioner within a week."

In compliance to the aforesaid order, notices were issued and publication has also been made in the Government Gazette, Uttar Pradesh on 04.06.2022. Copy of the Gazette has been filed by the Election - Petitioner alongwith compliance affidavit dated 03.08.2022 being paper No. A - 58.

None has filed any application to oppose the aforesaid withdrawal application.

In view of the aforesaid, the Election Petition is **dismissed as withdrawn**.

Withdrawal Application No.25 of 2022 is disposed of.

Order Date :- 9.9.2022/vkg

Sd/-

(SURYA PRAKASH KESARWANI, J.)